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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,593	12/07/2000	Uwe Voigt	GK-ZEI-3106 / 500343.2010	9580

7590 08/28/2002
Gerald H. Kiel, Esq.
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New York, NY 10016-2391

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
Art Unit: 2857

Office Action Summary

Application No.

09/731,593

Applicant(s)

VOIGT ET AL.

Examiner

Hal D Wachsmen

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The drawings are objected to by the Draftsperson's for the reasons stated on the PTO-948 form. In addition, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method for monitoring a control system as cited in claims 1-9 must be shown (such as in a flow chart for example) or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Claims 1-10 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 1, lines 1-2, cite "comprising a plurality of control units, preferably for an optical measurement device or observation device" which is ambiguous with respect to what range of control units is tied to the scope of the claim. This same type of problem also occurs in claim 10, lines 1-2. Claim 1, line 3, cites "the control units" however the antecedent basis is "plurality of control units". This same type of problem also occurs in claim 1, line 7. Claim 1, line 3, cites "detecting status data" but status data of what exactly is being referred to here ? This same type of problem also occurs in claim 1, line 8. Claim 1, line 6, cites "master capability" however the use of the word "capability" implies that the microprocessor unit may or may not have the ability to be a master. This same type of problem also occurs in claim 1, line 8, claim 3, line 2, claim 4, lines 2, 4, 5, claim 5, line 1, claim 6, line 2, claim 7, line 2, claim 8, line 2, claim 9, line 2,

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claim 10, line 6. Claim 7, line 2, cites "the microprocessor unit" however the antecedent basis is "at least one microprocessor unit". This same type of problem also occurs in claim 8, line 2, claim 9, line 2. Claim 7, line 2, cites "the enabled control unit" which lacks clear antecedent basis. This same type of problem also occurs in claims 8 and 9, line 2. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortyn et al. (5,557,097).

As per claim 1, Ortyn et al. (Abstract, figure 1B) disclose the incorporating step. Ortyn et al. (Abstract, figure 1B, col. 16 lines 6-22, col. 17 lines 1-18) disclose the using step.

As per claims 4, 7 and 8, Ortyn et al. (Abstract, figure 1B) disclose the features of each of these claims.

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As per claim 10, Ortyn et al. (see at least abstract) disclose the plurality of control units. Ortyn et al. (Abstract, figure 1B, col. 4 lines 63-67) disclose the control station as described in lines 4-5 of the claim as well as "at least one of the control units....and determined assessment to the control station".

5. Claims 1-4, 8 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Trussell et al. (4,539,655).

As per claim 1, Trussell et al. (Abstract, col. 5 lines 67, 68, col. 6 lines 1-4) disclose the incorporating step. Trussell et al. (Abstract, col. 5 lines 67, 68, col. 6 lines 1-4, col. 10 lines 30-34, col. 18 lines 50-55) disclose the using step.

As per claim 2, Trussell et al. (col. 5 lines 28, 33, col. 6 lines 5-7, 11-23) disclose the feature of this claim.

As per claim 3, Trussell et al. (Abstract, col. 5 lines 28, 33, 67, 68, col. 6 lines 1-7, 11-23, col. 10 lines 30-34, col. 18 lines 50-55) disclose the features of this claim.

As per claim 4, Trussell et al. (Abstract, col. 5 lines 67, 68, col. 6 lines 1-4, col. 10 lines 30-34, col. 18 lines 50-55) disclose the features of this claim.

As per claim 8, Trussell et al. (see at least abstract) disclose the feature of this claim.

As per claim 9, Trussell et al. (col. 5 lines 28, 33, col. 6 lines 5-7, 11-23) disclose the feature of this claim.

6. Claims 1-10 are rejected under 35 U.S.C. 102(a) or 102(b) as being anticipated by Rasmussen (5,884,072).

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As per claim 1, Rasmussen (Figures 14-16, col. 26 lines 51-67, col. 45 lines 57-59, col. 51 lines 55-57, col. 55 lines 51-59) discloses the incorporating step. Rasmussen (Figures 12, 14-16, col. 35 lines 55-67, col. 36 lines 1, 2, 53-60, col. 51 lines 55-64, col. 55 lines 51-63) discloses the using step.

As per claim 2, Rasmussen (see at least abstract) discloses the feature of this claim.

As per claim 3, Rasmussen (Abstract, figures 14-16, col. 55 lines 51-63, col. 57 lines 12-22, 49-67, col. 58 lines 1-21) discloses the features of this claim.

As per claim 4, Rasmussen (Abstract, figures 14-16, 42, col. 55 lines 51-63) discloses the features of this claim.

As per claims 5 and 6, Rasmussen (Abstract, col. 45 lines 39-67, col. 46 lines 1-67) discloses the features of each of these claims.

As per claim 7, Rasmussen (Abstract, col. 49 lines 41-53, col. 57 lines 9-34) discloses the feature of this claim.

As per claim 8, Rasmussen (Abstract, figures 14-16, col. 96 lines 48-65) discloses the feature of this claim.

As per claim 9, Rasmussen (Abstract, col. 96 lines 62-67, col. 97 lines 1-23) discloses the feature of this claim.

As per claim 10, Rasmussen (figures 11, 12, 14-16) discloses a plurality of control units. Rasmussen (col. 66 lines 12-30) discloses the control station as described in lines 4-5 of the claim. Rasmussen (Figures 12, 14-16, col. 35 lines 55-67, col. 36

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lines 1, 2, 53-60, col. 51 lines 55-64, col. 55 lines 51-63) discloses "at least one of the control units....determined assessment to the control station".

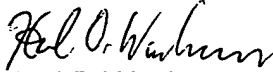
7. The following references are cited as being art of general interest: Imaizumi et al. which disclose master and slave load control units, Hays et al. which disclose a microscope controller with focus and turret control and Bacus et al. which disclose remote microscopy.

8. No claims are allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
August 24, 2002